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2 **UNITED STATES DISTRICT COURT**

3 **NORTHERN DISTRICT OF CALIFORNIA**

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6 **CHETANN PATEL and HARSHIKA PATEL,**

7 **Plaintiffs,**

8 **vs.**

9 **U.S. BANK, N.A. *et al.*,**

10 **Defendant(s).**

11

12 Plaintiffs Chetann and Harshika Patel have filed an *Ex Parte* Motion for a Temporary
13 Restraining Order to prevent a foreclosure sale set for April 18, 2013.

14 As set forth below, the Court **DENIES** Plaintiffs' *Ex Parte* Motion for a Temporary
15 Restraining Order.

16 Rule 65 of the Federal Rules of Civil Procedure requires that actual notice must be given to
17 the opposing party of the intention to seek a Temporary Restraining Order ("TRO"), the date and
18 time for the hearing and the nature of the relief requested. Unless notice is provided, the moving
19 party must provide a certified showing of extraordinary circumstances why such notice could not
20 have been given. *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131-32 (9th Cir. 2006).
21 Here, the Court has not been provided with any declaration showing why such notice could not have
22 been given. A TRO is a drastic remedy and accordingly can only be given under proper
23 circumstances.

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Therefore, the Motion is **DENIED**.

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This Order Terminates Docket Number 5.

26

IT IS SO ORDERED.

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Date: April 17, 2013

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE